

REPORTS DOCKET

Oct. 5: Programs&Services; Public Safety&Transportation; PublicFacilities Continued
Oct. 11: Land Use Page 189
Oct. 12: Finance; Zoning & Planning Monday, October 3, 2011
Newton City Hall
To be reported on
Monday, October 17, 2011

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, October 11, 2011

Present: Ald. Hess-Mahan (Chairman), Ald. Albright, Schnipper, Crossley, Blazar, Fischman, and Merrill; absent: Ald. Harney; also present: Ald. Baker

#148-11(2) CONSTANTINE TALEAS, TRUSTEE OF the BORDER TRUST 06 u/d/t dated May 1, 2006 and CONSTANTINE TALEAS, TRUSTTEE of the ELM TRUST 06 u/d/t dated November 20, 1996 petition for a Special Permit/Site Plan Approval and to extend a Non-Conforming Structure to combine three legally nonconforming lots into one conforming lot and to extend the legally nonconforming structure at 115-119 ELM STREET by attaching a 3-story mixed-use building with commercial space on the first floor and 4 dwelling units on the second and third floors, which will increase both the Floor Area Ratio, height, and number of stories, and to waive 2 parking stalls and certain dimensional parking, screening, and lighting requirements at 8 BORDER STREET and 111 and 115-119 ELM STREET, Ward 3, West Newton, on land known as Sec 33, Blk 15, Lots 29, 30, 31, containing a total of ≈11, 044 sq. ft. of land in a district zoned Business 1. Ref: Sec 30-24, 30-24(f), 30-23, 30-21(b), 30-19(d), (h)(3), (i)(l), (j), and (m), and 30-15 Table 3 of the City of Newton Rev Zoning Ord, 2007.

PUBLIC HEARING CLOSED

#248-11 MARK SHOHAM petition for a Special Permit/Site Plan Approval to legalize an existing accessory apartment with associated landscaping/lighting/parking waivers at 308 HOMER STREET, Ward 6, on land known as SBL 64, 7, 33, containing ≈14, 881 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec 3-24, 30-23, 30-8(d)(2), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

PUBLIC HEARING CLOSED; APPROVED 7-0

#264-11 MARK & LISA KOZAK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls in the front setback at 119 FALMOUTH ROAD, Ward 3, West Newton, on land known as SBL 34, 47, 16, containing approximately 7,716 sq. ft. of land in a district zoned Single Residence 3. Ref: Sec 30-24, 30-23, 30-19((g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

PUBLIC HEARING CLOSED; APPROVED 7-0

#211-11 EASTERN BEVERAGE GROUP/EMK NEWTON CENTRE REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND/ALTER A NONCONFORMING USE from a retail market to a retail liquor store with associated signage at 543-545 COMMONWEALTH AVENUE, Ward 7, on land known as SBL 73, 45, 19, in a district zoned MULTI RESIDENCE 1. Ref: special permit #166-99, Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

APPROVED 5-0-2 (Blazar and Merrill abstaining)

REFERRED TO ZONING AND PLANNING COMMITTEE

Wednesday October 12, 2011

Present: Ald. Johnson (Chairman), Swiston, Shapiro, Baker, Yates, Lennon, Lappin; absent: Ald. Sangiolo

#272-11 RICHARD & ANDREE WILSON requesting that His Honor the Mayor and the Board of Aldermen accept a Conservation Restriction on approximately 1.5 acres of their property at 15 Bracebridge Road; the proposed Restriction has been reviewed and approved by the Newton Conservation Commission and the Newton Conservators and will be held by the Newton Conservators. [9/26/11 @2:04PM]

HELD 7-0

#64-11 HIS HONOR THE MAYOR, in coordination with the Director of Planning and Development, requesting to amend Section 30-15, Table 4, Dimensional Controls for Rear Lot Development in Residential Zones as they pertain to floor area ratio. [02-22-11 @ 6:47PM]

HELD 7-0

#150-08 ALD. GENTILE proposing that Chapter 30 be amended to clarify that for a commercial vehicle to be parked legally at a residential property, it must be registered to the owner/occupant of that residential property. [4/15/08 @ 2:17PM].

HELD 7-0

#133-03 ALD. YATES proposing an amendment to Chapter 30 requiring a special permit for a so-called "snout house" (one with excessive/intrusive garage on the front) following the example of Fort Collins, Colorado.

NO ACTION NECESSARY 7-0

#475-08 ALD. HESS-MAHAN, DANBERG, JOHNSON, SWISTON, & PARKER proposing that the City of Newton accept the provisions of GL chapter 43D, a local option that allows municipalities to provide an expedited permitting process and promote targeted economic development. [12/09/08 @ 9:41 AM]

NO ACTION NECESSARY 7-0

#253-10(2) ZONING & PLANNING COMMITTEE supporting the establishment of a Brightfield Solar Energy Array, subject to neighborhood input, on the Flowed Meadow site similar to the one in Brockton. [02-15-2011 @10:01am]

NO ACTION NECESSARY 7-0

#288-06 ALD. MANSFIELD, DANBERG, PARKER proposing that Sec 30-11(a), (b), and (d) of Chapter 30 be amended to allow banks and other financial institutions only by special permit in Business 1, 2 , 3 and 4 districts.

NO ACTION NECESSARY 7-0

#440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of "accessory structure" which will include mechanical equipment.

NO ACTION NECESSARY 7-0

#20-99 ALD. YATES proposing that Chapter 30 be amended by removing radio and television towers as allowed uses in the Mixed Use 1 district.

NO ACTION NECESSARY 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday October 5, 2011

Present: Ald. Linsky (Vice-Chair, Acting Chair), Hess-Mahan, Merrill, Blazar, Baker, and Fischman; absent: Ald. Sangiolo, Rice; also present: Harney, Johnson, Danberg, Swiston, Albright, Yates, Lennon, Lappin

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#268-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$470,292 from FY12 Free Cash for the purpose of funding additional appropriations in the School Department. The amount reflects an increase in the Medicaid Direct Services reimbursements. [09/12/11 @4:39 PM]

FINANCE APPROVED 7-0 on 10/12/11

APPROVED 5-0 SUBJECT TO 2nd CALL (Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #269-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$200,000 for the purpose of funding additional appropriations in the School Department. This amount reflects an increase in the State Chapter 70 Education Funding. [09/12/11 @4:39 PM]
FINANCE APPROVED 7-0 on 10/12/11
APPROVED 5-0 SUBJECT TO 2nd CALL (Baker not voting)
- #355-10 PRESIDENT LENNON & ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Real Property & Reuse Committee. Issues regarding reuse of public buildings to be referred to the Public Facilities Committee and issues regarding reuse of City owned land would be referred to the Land Use Committee. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011
HELD 6-0
- #356-10 PRESIDENT LENNON & ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Post-Audit Committee. All post audit/follow-up items will be discussed in the substantive committee that originally heard the item. Effective date of this change will be January 1, 2012.[11/26/2010 @ 11:59 AM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011
HELD 6-0
- #357-10 PRESIDENT LENNON & ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Committee on Community Preservation. All Community Preservation items will be referred to the Finance Committee. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011
HELD 6-0
- #357-10(2) ALD. YATES proposing a change in the proposed rule to eliminate the Committee on Community Preservation: community preservation items relating to housing and recreation shall be referred to the Programs and Services Committee; items relating to historic preservation and open space shall be referred to the Zoning and Planning Committee; all items shall then be referred to the Finance Committee. [12/6/2010 @ 10:57PM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011
HELD 6-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 5, 2011

Present: Ald. Ciccone (Chairman), Harney, Johnson, Swiston, Shapiro, Yates and Fuller; absent: Ald. Freedman; also present: Ald. Albright and Danberg

REFERRED TO PUB. FACILITIES AND PUBLIC SAFETY & TRAN. COMMITTEES

#255-11 ALD. BAKER, GENTILE, SCHNIPPER, CICCONE, FULLER, SHAPIRO requesting discussion of preparation for, response during, and follow up after, Tropical Storm Irene by the City of Newton, including co-ordination by the Mayor's office and the various City Departments involved. [08/29/11 @ 2:09 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 6-0 on 10/5/11
NO ACTION NECESSARY 4-0 (Johnson, Yates and Swiston not voting)

REFERRED TO PUB. FACILITIES AND PUBLIC SAFETY & TRAN. COMMITTEES

#256-11 ALD. SHAPIRO, CICCONE, BAKER requesting a discussion how the City uses information systems as well as people to collect and process information from residents impacted by a storm or other emergency event, and ways to establish or improve the manner in which triage is performed and prioritized to increase public safety with the appropriate response. [08/29/11 @ 9:25 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 4-0 on 10/5/11
NO ACTION NECESSARY 4-0 (Johnson, Yates and Swiston not voting)

#281-11 DAY MIDDLE SCHOOL PTO applying for a license pursuant to GL chapter 10 §38 to play bingo and award prizes (in lieu of money) for an F.A. Day Middle School "Bingo & Board Games" social and fundraiser on Saturday, October 22 from 8PM to 11PM at The New Art Center in Newtonville. [09-30-11 @ 2:52PM]
APPROVED 4-0 (Fuller, Yates and Swiston not voting)

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#363-10 ALD. ALBRIGHT & DANBERG, proposing a trial of parking meter free Saturdays between Thanksgiving and New Year for the shopping areas to support shopping at local businesses in Newton. [11/15/10 @ 6:30 PM]
HELD 6-0 (Yates not voting)

#264-09 ALD. HESS-MAHAN proposing to amend Sections 19-166, 19-219 and 26-16 of the Revised Ordinances to allow certain two wheel vehicles, including motorized vehicles that must register as limited use vehicles pursuant to the MGL CH. 90 as amended by Chapter 523 of the Acts of 2008, to continue to park on sidewalks. [09/01/09 @ 11:40 AM]
NO ACTION NECESSARY 5-0 (Fuller and Yates not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, October 5, 2011

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Crossley, Danberg, and Lappin; also present: Ald. Baker, Ciccone, Fuller, Harney, Johnson, Shapiro, Swiston and Yates

#266-11 NATIONAL GRID petitioning for a grant of location to install and maintain 80' ± of 4" gas main in RUANE ROAD from the existing 4" gas main at 74 Ruane Road in an easterly direction to #69 Ruane Road. (Ward 3) [09/12/11 @ 11:59 AM]

HELD 8-0

REFERRED TO PUB. SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

#255-11 ALD. BAKER, GENTILE, SCHNIPPER, CICCONI, FULLER, SHAPIRO requesting discussion of preparation for, response during, and follow up after, Tropical Storm Irene by the City of Newton, including co-ordination by the Mayor's office and the various City Departments involved. [08/29/11 @ 2:09 PM]

PS&T NO ACTION NECESSARY 4-0 on 10/5/11

NO ACTION NECESSARY 6-0 (Lennon and Lappin not voting)

REFERRED TO PUB. SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

#256-11 ALD. SHAPIRO, CICCONI, BAKER requesting a discussion how the City uses information systems as well as people to collect and process information from residents impacted by a storm or other emergency event, and ways to establish or improve the manner in which triage is performed and prioritized to increase public safety with the appropriate response. [08/29/11 @ 9:25 PM]

PS&T NO ACTION NECESSARY on 10/5/11

NO ACTION NECESSARY 6-0 (Lennon and Lappin not voting)

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers. [03-07-11 @9:30 AM]

HELD 4-0 (Albright, Danberg, Lappin, Lennon not voting)

#385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]

HELD 4-0 (Albright, Danberg, Lappin, Lennon not voting)

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEE

- #99-11 ALD. ALBRIGHT, JOHNSON, and DANBERG requesting that the Department of Public Works coordinate data on the impact of the snow removal ordinance from the Department of Public Works, Parks and Recreation Department, Executive Office, and Senior Services into a monthly report for the winters 2012 and 2013, which will be sent to the Public Facilities Committee of the Board of Aldermen that includes the following data: (1) the number of people requesting exemptions; (2) the number of exemptions awarded; (3) the number of warning letters sent; (4) the ability of the City to maintain the same standard regarding treating the surface to preserve safe passage; and (5) cost of the implementation of the program. 03/29/11 @ 11:43 PM]
PROGRAMS & SERVICES TO MEET
APPROVED 4-0 (Albright, Danberg, Lappin, Lennon not voting)
- #22-10 ALD. YATES & DANBERG requesting a report from current and former members of the Design Review Committee on the treatment of the members of the committee relevant to the Newton North High School Project. [01/04/10 @8:16 PM]
NO ACTION NECESSARY 4-0 (Albright, Danberg, Lappin, Lennon not voting)
- #397-09 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (233/4-1X on the northeasterly side of HOMER STREET opposite Grafton Street. (Ward 6) [11-10-09 @ 12:24 PM]
NO ACTION NECESSARY 4-0 (Albright, Danberg, Lappin, Lennon not voting)
- #224-06(2) ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIPPER requesting further deliberation on the conditions set forth in the Site Plan Approval Board Order relating to the Newton North High School project, considering possible expansion and modification of the conditions.
NO ACTION NECESSARY 4-0 (Albright, Danberg, Lappin, Lennon not voting)
- #386-04 ALD. SANGIOLO, HESS-MAHAN, JOHNSON, AND DANBERG proposing an ordinance to require that designers selected have LEED certification and include high performance/life cycle analysis for all municipal construction projects in the City of Newton.
NO ACTION NECESSARY 4-0 (Albright, Danberg, Lappin, Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Wednesday, October 12, 2011

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, Danberg, and Fuller; absent: Ald. Freedman; also present: Ald. Albright, Crossley, and Merrill

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#269-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$200,000 for the purpose of funding additional appropriations in the School Department. This amount reflects an increase in the State Chapter 70 Education Funding. [09/12/11 @4:39 PM]
PROGRAMS & SERVICES APPROVED SUBJECT TO 2nd CALL 5-0
(Baker not voting) on 10/05/11
APPROVED 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#268-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$470,292 from FY12 Free Cash for the purpose of funding additional appropriations in the School Department. The amount reflects an increase in the Medicaid Direct Services reimbursements. [09/12/11 @4:39 PM]
PROGRAMS & SERVICES APPROVED SUBJECT TO 2nd CALL 5-0
(Baker not voting) on 10/05/11
APPROVED 7-0

#214-10(5) HIS HONOR THE MAYOR requesting the approval of the Economic Development Proposal for the Chestnut Hill Square Project and authorization of the final joint City of Newton and New England Development Corporation application for funding through the Infrastructure Investment Incentive Program (I-Cubed) of the Economic Development Proposal once the developer has received preliminary approval and settled all outstanding issues. [06/13/11 @ 6:05 PM]
APPROVED 7-0

REFERRED TO PUBLIC FACILITIES, PROGRAMS & SERVICES AND FINANCE COMMITTEES

#312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10-27-10 @11:07 AM]
PUBLIC FACILITIES AND PROGRAMS & SERVICES TO MEET
NO ACTION NECESSARY 7-0

REFERRED TO PROG & SERV, PUB. FAC. AND FINANCE COMMITTEES

#130-11 PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]
PUBLIC FACILITIES AND PROGRAMS & SERVICES TO MEET
NO ACTION NECESSARY 7-0

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#391-09(2) ALD. DANBERG, MANSFIELD, VANCE & HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.

ZONING & PLANNING TO MEET

NO ACTION NECESSARY 7-0